

**Hon'ble U.C. Dhyani, J.**

Mr. Siddhartha Singh, Advocate for the appellants.

None is present for the respondents despite service of notice. Affidavit of service has been filed on behalf of the appellants to indicate that the respondents are duly served.

Respondent no. 4 died on 14.10.2013. An intimation to this effect was given to the Court on 25.11.2013. The Court permitted the appellants to take steps within three weeks, but the steps were not taken in time. Thereafter, winter vacations followed. Steps were taken when the Court reopened after winter break, hence, applications are filed by the appellants for setting aside abatement, for condoning the delay in filing the substitution application and for substituting the legal heirs of deceased respondent no. 4.

All such applications are allowed turn-by-turn.

Abatement of the appeal is set aside. Setting aside abatement application no. 1991 of 2014 is allowed.

Being satisfied with the sufficiency of reasons furnished by appellant no. 4 in his affidavit, delay in filing the substitution application is condoned. Delay condonation application no. 1902 of 2014 is allowed. Consequently, substitution application (CLMA no. 1992 of 2014) is also allowed.

The appellants are permitted to add the word 'dead' after the name of respondent no. 4 and incorporate the names of his legal heirs / legal representatives in the memo of appeal.

Let amended memo of the parties be filed within a week.

List on 04.07.2014, for admission.

**(U.C. Dhyani, J.)**

25.06.2014